

*Division of Public Defender Services  
Office of Chief Public Defender*

**October 1, 2013  
Summaries of 2013 Public Acts**

*The following is a summary of the public acts adopted during the 2013 Legislative Session pertaining to criminal proceedings, juvenile delinquency and child protection.*

*All acts are effective October 1, 2013 unless otherwise noted. Thank you to Michael Alevy for his contribution pertaining to the new domestic violence, diversionary program and firearm statutes. If questions, please contact Deborah Del Prete Sullivan at (860) 509-6405 or [deborah.d.sullivan@jud.ct.gov](mailto:deborah.d.sullivan@jud.ct.gov).*

## **ASSAULT**

**Public Act No. 13-111      AN ACT CONCERNING THE ASSAULT OF A LIQUOR CONTROL AGENT**

**Section 1                  New Class C Felony**

This act amends *C.G.S. §53a-167c, Assault of public safety, emergency medical, public transit or health care personnel: Class C felony*, to include liquor control officers within the group against who an assault is classified as a class C felony punishable by up to 20 years incarceration.

## **ATTORNEYS**

**Public Act No. 13-29      AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW**

**Section 1                  New class D felony**

Section 1 amends *C.G.S. §51-88, Practice of law by persons not attorneys*, and creates a class D felony for any person who has been admitted to practice law in this state pursuant to *C.G.S. §51-80, Admission*, who has been “disqualified from practice of law due to resignation, disbarment, being placed on inactive statutes or suspension.” The public act exempts from prosecution persons who have been suspended based solely on their failure to pay the attorney occupational tax or the client security fund fee or persons who are providing legal services pursuant to a rule of court or Connecticut statute.

If the person so prosecuted, proves by a preponderance of the evidence that he/she practiced law while admitted to practice in certain other courts and was a member in good standing, then he/she will be guilty of a class C misdemeanor.

In addition, the public act places the burden of proof on the state to show beyond a reasonable doubt that the defendant had actual knowledge that a person was not admitted to practice law in that jurisdiction in any prosecution pursuant to *C.G.S. §53a-8, Criminal liability for acts of another*, and *§53a-8, Conspiracy. Renunciation*.

**Public Act No. 13-112      AN ACT CONCERNING THE OCCUPATIONAL TAX ON ATTORNEYS**

**Section 1                      Threshold Now One Thousand Dollars**

The act amends subsection (g) of *C.G.S. §51-81b, Occupational tax on attorneys. Collection procedure. State lien against real estate as security for tax. Interest on unpaid tax. Attorneys who are not liable for tax. Administration*, to increase from \$450 to \$1,000 the threshold legal earnings an attorney must receive before being subject to paying the occupational tax.

**Public Act No. 13-127      AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW BY NOTARIES PUBLIC**

**Section 1                      Notaries Cannot Practice Law**

This is new legislation which expressly prohibits a notary public from giving legal advice in immigration matters or proceedings unless they have been admitted to practice law in this state in accordance with the state statutes or authorized by federal law.

**BAIL BOND**

**Public Act No. 13-94      AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS**

**Sections 1 & 3              Age and Educational Requirements for Applicants**

The act amends *C.G.S. §29-145, Bondsmen to be licensed*, and *§29-152f, Application for license*, to require that any applicant to be a professional bondsman or a bail enforcement agent be at least 21 years of age and have a high school diploma or the equivalent of such.

**Sections 2 & 4              Suspensions and Revocations**

The act amends *C.G.S. §29-147, Renewal, revocation or suspension of license, and §29-152i, Suspension or revocation of license*, to now allow for the suspension or revocation of the license of a professional bondsman or bail enforcement agent if the licensee is subject to a protective or restraining order that has been issued in a case involving the use, attempted use or threatened use of physical force against another.

## **Section 5                      Badges**

This section amends *C.G.S. §29-152l, Wearing, carrying or display of uniform, badge or other insignia of governmental official or employee prohibited*, to require that any badge displayed by a bail enforcement agent be approved by the Commissioner of Emergency Services and Public Protection.

## **Section 6                      Special Permit to Carry Firearms**

This section amends *C.G.S. §29-152m, Permit to carry firearm required. Training required. Regulations*, to require that a professional bondsman have a special carry permit in addition to the permit required under *C.G.S. §29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, before carrying a firearm when carrying out his/her bondsman duties. The section also requires that holders of the special permit complete a firearms safety refresher course annually.

## **Sections 7 & 8              Approval of Firearm Instructors and Revocation**

This is new legislation which articulates the criteria for any person who may be an instructor for firearm usage and safety and when the Commission of Emergency Services and Public Protection may suspend, revoke or refuse to renew an instructor's approval.

## **Public Act No. 13-158      AN ACT CONCERNING BAIL BONDS**

### **Section 1                      Task Force Created (Effective from passage)**

This is new legislation which creates a Task Force to examine how to reduce costs and the process to vacate orders of bond forfeiture, in extradition matters.

### **Section 2                      Release From Bond**

Section 2 amends *C.G.S. §54-65, Procedure when principal intends to abscond*, in regard to when a principal in a surety may apply to be released from a bond if the principal absconds.

### **Section 3                      Voluntary Return**

Sections 3 amends *C.G.S. §54-65a, Forfeiture of bond for failure to appear. Issuance of rearrest warrant or capias. Termination or reinstatement of bond . Rebate to surety*, which pertains to bonds in \$500 or more which are forfeited when the person fails to appear at court to allow the court to extend a stay of execution for good cause.

In addition, if a defendant returns voluntarily to court more than 5 days but less than 6 months after his/her bond was forfeited, this section requires that the bond be terminated automatically, the surety released and that the court order new conditions of release.

#### **Section 4                      Stay of Execution**

Section 4 amends *C.G.S. §54-66, Acceptance and disposition of bail. Pledge of real property as lien. Forfeiture of bond for failure to appear. Issuance of rearrest warrant or capias. Termination or reinstatement of bond*, to allow the court to extend a stay of execution upon forfeiture of a bond for good cause shown.

#### **Section 5                      Orders to Vacate Bond Forfeiture Order**

Section 5 amends *C.G.S. §54-65c, Vacating forfeiture of bond*, to require the court to vacate an order forfeiting bail and release the professional bondsman if the defendant is detained by a federal agency or removed by ICE.

#### **Section 6                      Automatic Termination When Sentence Begins**

Section 6 amends *C.G.S. §54-66a, Automatic termination of bail bonds*, to require automatic termination of a bail bond once the defendant begins to serve his sentence.

## **CHILDREN AND YOUTH**

### **Public Act No. 13-40                      AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES**

#### **Section 2                      Department of Social Services**

This section amends subsection (g) of *C.G.S. §17a-28, Definitions. Confidentiality and access to records; exceptions. Procedure for aggrieved persons*, by adding a new section (24) to permit DCF to disclose records without the consent of the person who is the subject of the records to the Department of Social Services for certain purposes. The public act also amends subsection (h)(17), now (h)(16), to permit the court to review DCF records whenever a DCF employee is subpoenaed to testify for purposes of an in-camera review as to whether the records are disclosable.

#### **Section 4                      Credit Reports of Youth in Foster Care**

Section 4 amends *C.G.S. §17a-114b, Credit report review for youth placed in foster care*, to provide that counsel or the GAL for a youth aged 16 or older who is in the custody of DCF shall be provided a copy of the youth's credit report. The attorney or GAL shall review the report for identity theft and assist the youth in resolving inaccuracies in the credit report.

**Public Act No. 13-52            AN ACT CONCERNING INTERVIEWS OF CHILDREN BY  
THE DEPARTMENT OF CHILDREN AND FAMILIES  
DURING INVESTIGATIONS OF CHILD ABUSE AND  
NEGLECT**

**Section 1                      Consent No Required**

This section amends *C.G.S. §17a-101h, Coordination of investigatory activities. Interview with child. Reporter to provide information. Consent of parent, guardian or responsible person*, and provides an additional exception for when DCF is required to obtain the consent of the parents or guardian of a child prior to an interview of the child during an abuse or neglect investigation. The exception is when "seeking such consent would place the child at imminent risk of physical harm".

**Public Act No. 13-53            AN ACT CONCERNING RESPONSIBILITIES OF  
MANDATED REPORTERS OF CHILD ABUSE AND  
NEGLECT**

**Section 1                      Hinder or Preventing Reports prohibited**

This section amends *C.G.S. §17a-101e, Employer prohibited from discriminating or retaliating against employee who makes good faith report or testifies re child abuse or neglect. Immunity from civil or criminal liability. False report of child abuse. Referral to office of the Chief State's Attorney. Penalty*, and prohibits any employer from hindering or preventing or attempting to hinder or prevent an employee from making a report as a mandated reporter or testifying in a child abuse or neglect proceeding.

Section 2 amends and expands *C.G.S. §31-51m, Protection of employee who discloses employer's illegal activities or unethical practices. Civil action*, to prohibit an employer from discharging, disciplining or penalizing his/her employee because the employee made a mandated report.

**Public Act No. 13-54            AN ACT CONCERNING FAMILY ASSESSMENT CASES**

**Section 1                      Family Assessment Responses to Child Abuse and Neglect**

This amends subsection (g) of *C.G.S. §17a-101g, Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Differential response program. Regulations. Disclosure of*

*information to providers*, to change the name of the program of “differential” response to reports of child abuse and neglect to program of “family assessment” response to reports of child abuse and neglect.

Section 2 amends subsection (h) of *C.G.S. §17a-101k, Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations*, to require that records relating to family assessment cases remain sealed and are expunged either at the closure of the family assessment case or 5 years after completion of the investigation, whichever is later, so long as no additional reports are made.

**Public Act No. 13-77            AN ACT CONCERNING NOTICE OF INVESTIGATIONS BY  
THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The act amends *C.G.S. §17a-103b, Notice to parent or guardian of substantiated complaint of child abuse*, to require DCF to provide written notice to the noncustodial parent, custodial parent guardian of the child and parents if the child is committed to DCF of the start of a DCF investigation regarding alleged abuse or neglect of the child whenever notice would be in the best interest of the child. DCF is exempted from providing this notice if it has “reasonable grounds” to believe that such would interfere with a criminal investigation or put a person in danger. The act articulates the criteria to be on the notice and that the child may be removed from the custody of the custodial parent. Such notice must be given within 5 days of the start of the investigation. (Effective July 1, 2013.)

**Public Act No. 13-124        AN ACT CONCERNING FOSTER CHILDREN AND  
INTERNSHIP OPPORTUNITIES**

**Section 1                    Internship Preferences (Effective July 1, 2013)**

This is new law that requires state agencies to give “preference” to persons up to 24 years of age who is or was in foster care through a DCF commitment at the age of majority for hiring and internships placement purposes.

**Public Act No. 13-142        AN ACT CONCERNING BIRTH CERTIFICATES FOR  
HOMELESS YOUTH**

**Section 1                    “Certified Homeless Youth” Defined**

This section amends *C.G.S. §7-36, Definitions*, to provide a definition of a certified homeless youth who is at least 15 but less than 18 years of age not in the custody of his/her parents or guardian and who has been certified pursuant to state or federal law as homeless.

**Section 2                    Access to Birth Records**

This section amends *C.G.S. §7-51, Access to and examination and issuance of certified copies of birth and fetal death records or certificates restricted. Access to and disclosure of confidential information restricted*, to provide a certified homeless youth access to his/her birth record and the procedures for obtaining the record.

**Public Act No. 13-234      AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET  
RECOMMENDATIONS FOR HOUSING, HUMAN SERVICES  
AND PUBLIC HEALTH**

**Section 124      “Raise the Grade”**

Section 124 authorizes the creation by DCF and the Department of Education of what is referred to as the “Raise the Grade” pilot program in Bridgeport, New Haven and Hartford. The two departments are required to track the progress of all children and youth committed to DCF or detained in a secure facility either run or contracted by CSSD who are in grades pre-kindergarten to 12. The charge is to track all “information regarding the child's current levels of educational performance, including absenteeism and grade level performance, and what supports or services will or are being provided to improve academic performance.” The information will be included in any report provided to the Juvenile court for consideration the court may make as to the child. In addition CSSD must have a “case plan” identifying a “youth’s educational needs and grade-level performance and . . . what supports or services will or are being provided to support academic performance.” (Effective July 1, 2013.)

**Public Act No. 13-268      AN ACT CONCERNING THE PREVENTION OF URBAN  
YOUTH DELINQUENCY AND VIOLENCE  
(Effective from passage)**

**Section 1      Collaboration Regarding Services to Children & Families**

This is new legislation that requires CSSD and non-profits in Hartford which provide community based services to children and families to review the programs that exist, design a process to identify at-risk youth and submit a report for submission to the General Assembly.

**Public Act No. 13-297      AN ACT CONCERNING CRIMINAL PENALTIES FOR  
FAILURE TO REPORT CHILD ABUSE**

**Section 1      Risk of Injury – New Class D Felony**

This section amends *C.G.S. §53-21, Injury or risk of injury to, or impairing morals of, children. Sale of children*, to add a new section (4) constituting risk of injury to a minor and a class D felony if a person:

*(4) intentionally and unreasonably interferes with or prevents the making of a report of suspected child abuse or neglect required under section 17a-101a, as amended by this act, shall be guilty of (A) a class D felony for a violation of subdivision (4) of this subsection . . .*

## **Section 2                      New Class A Misdemeanor**

This section amends *C.G.S. §17a-101a, Report of abuse, neglect or injury of child or imminent risk of serious harm to child. Penalty for failure to report. Notification of Chief State's Attorney*, and increases the penalty from a fine if a mandated reporter fails to make a report as required by law to a class A misdemeanor.

## **Public Act No. 13-302              AN ACT CONCERNING YOUTH VIOLENCE AND GANG ACTIVITY**

### **Section 1                      New Crime - Recruiting a Member of Gang**

This is new legislation which creates a class A misdemeanor of recruiting a gang member under the age of 18. Criminal gang is defined as “a formal or informal organization, association or group of three or more persons that has: (A) As one of its primary activities the commission of one or more criminal acts; (B) members who individually or collectively engage in or have engaged in one or more criminal acts; and (C) an identifying name, sign or symbol, or an identifiable leadership or hierarchy . . .”.

A person commits this new offense if:

with knowledge that membership or continued membership in such criminal gang is conditioned upon the commission of a criminal act, or with intent to facilitate the criminal acts of such criminal gang, such person knowingly causes, encourages, solicits, recruits, intimidates or coerces a person under eighteen years of age to join, participate in or remain a member of such criminal gang.

### **Section 2                      New Pilot Programs**

This is new legislation which requires CSSD to create pilot programs in Bridgeport, Hartford and New Haven to reduce the number of children coming in contact with the juvenile justice system and to reduce recidivism.



## **COURTS**

### **Public Act No. 13-210      AN ACT CONCERNING THE COURT'S AUTHORITY TO DENY AN APPLICATION FOR THE WAIVER OF COURT FEES**

#### **Section 1              Fee Waiver Denied for Repeated Filers**

This amends subsection (c) of *C.G.S. §52-259b, Waiver of fees and payment of the cost of service of process for indigent party*, to authorize the court to deny a waiver of fees when:

the court finds that (A) the applicant has repeatedly filed actions with respect to the same or similar matters, (B) such filings establish an extended pattern of frivolous filings that have been without merit, (C) the application sought is in connection with an action before the court that is consistent with the applicant's previous pattern of frivolous filings, and (D) the granting of such application would constitute a flagrant misuse of Judicial Branch resources.

If the court denies the waiver, the clerk is required to schedule a hearing upon a request by the applicant.

## **DIVERSIONARY PROGRAMS**

### **Public Act No. 13-159      AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS**

This public act makes significant changes to the pretrial diversionary programs available to defendants charged with drug offenses. It also creates eligibility for the Accelerated Rehabilitation program for certain individuals charged with sexual assault in the 2<sup>nd</sup> degree under C.G.S §53a-71(a)(1), .

#### **Section 1              New Pretrial Drug Education and Community Service Program**

Section 1 of the act amends *C.G.S. §54-56i, Pretrial drug education program*, and in essence, creates a new, single drug diversion program called the Pretrial Drug Education and Community Service Program. The new program may be used two times but permits the court to allow a third use upon a showing of good cause. Prior use of both the pretrial drug education program in effect prior to October 1, 2013 and the Community Service Labor Program, pursuant to *C.G.S §53a-39c, Community service labor program*, count towards the eligibility criteria with respect to the new program.

Components of the new program include;

1. For first time participation - a 15-week drug education program
2. For second time participation - either a 15-week drug education program or substance abuse treatment program consisting of at least 15 sessions as ordered by the court based on the evaluation and determination, and
3. For third time participation - a referral to a state licensed substance abuse program for evaluation and participation in a course of treatment as ordered by the court based on the evaluation and determination.
4. Community service of 5 days, 15 days or 30 days for first, second or third time use of the program, respectively.

## **Section 2                      Community Service Labor Program**

The act also *amends C.G.S. §53a-39c, Community service labor program (CSLP)* and eliminates the diversionary aspects of the program. Use of this program will no longer entitle a participant to a dismissal of the charges. What remains of the CSLP is available as a post conviction program only. CLSP may only be used only one time after a first conviction for *C.G.S. § 21a-267 Penalty for use, possession or delivery of drug paraphernalia*, or *C.G.S. §21a-279, Penalty for illegal possession. Alternative sentences.*

## **Section 3                      Accelerated Rehabilitation**

This section amends *C.G.S. §54-55e, Accelerated pretrial rehabilitation*, and creates AR eligibility for a person charged with *subdivision (1) of subsection (a) of C.G.S. §53a-71, Sexual assault in the second degree*. The court may not grant AR when good cause is shown and the charge involves allegations of contact with someone between ages 13 and 15 and the person charged is more than three but less than four years older than the complainant.

# **DOMESTIC VIOLENCE**

## **Public Act No. 13-214              AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

This public act makes various substantive and technical changes to domestic violence and sexual assault statutes.

## **Section 1 & 2                      Notification of Probation Violation Status**

This section amends subsection (a) of *C.G.S. §53a-32, Violation of probation or conditional discharge. Notice to victim. Arrest. Pretrial release conditions and supervision. Hearing. Disposition* and *C.G.S. §54-203(b)(7)(K), Office of Victim Services established.*

**Powers and duties.** The new language adds a reporting requirement that a probation officer, who has notified the victim of a crime of a violation of a probation related to the underlying case, must also notify any victim advocate that has been assigned to assist that victim. Notice is required only if the probation officer has been provided with the name and contact information for the victim advocate.

### **Section 3                      Training for Guardians Ad Litem**

This section amends subsection (j) of *C.G.S. §46b-38c, Family violence response and intervention units. Local units. Duties and functions. Protective orders. Electronic monitoring pilot program. Pretrial family violence education program; fees. Training program.* Current law requires the Judicial Department to provide ongoing training regarding the response to family violence crime, family violence intervention units, and use of restraining and protective orders, to (1) judges, (2) CSSD personnel, and (3) court clerks. This section adds a guardian ad litem to the list of personnel eligible for such training.

### **Section 4                      Rental Agreement, Family Violence and Sexual Assault**

This section amends *C.G.S. §47a-11e, Termination of rental agreement because of family violence.* The bill extends to sexual assault victims the right currently possessed by victims in family violence cases, to terminate a rental agreement without penalty. The amendment covers lease agreements entered into or renewed on or after January 1, 2014. Tenants who have been sexually assaulted or are custodial parents or guardians of a child who has been the victim of such crimes must reasonably believe that it is necessary to move because of fear of imminent harm and must comply with certain notice requirements.

### **Section 16                    Secure Room for Victims of Family Violence**

This section is new legislation that requires that the chief court administrator, to the extent practicable, provide a secure room for family violence crime victims and their advocates. The room must be separate from (1) any area that accommodates respondents, defendants, their families, friends, attorneys, or witnesses and (2) the prosecutor's office. Such room should be available in any court where family, family violence or domestic violence matters are heard

### **Section 18                    Protocol for Transfer of Firearms in Cases of Orders of Protection**

This section amends *C.G.S. §29-36n, Protocol for the transfer, delivery or surrender of pistols and revolvers.* Current law requires the Department of Emergency Services and Public Protection, the chief state's attorney and the Connecticut Police Chiefs Association, to develop protocols to ensure that people who become ineligible to possess pistols or revolvers

transfer, deliver, or surrender them as appropriate. The bill expands the pistol and revolver transfer requirement to include "other firearms."

The bill also requires that a distinct protocol be created that would require a person who becomes ineligible to possess such a weapon, due to the issuance of one or more type of order of protection make **advance arrangements** with the appropriate police department before he or she transfers, delivers, or surrenders his or her weapon or weapons to the local police department or the Division of State Police. The orders of protection contemplated in this legislation include restraining orders, protective orders or foreign orders of protection

**Section 19                      Court Ordered Temporary Financial Support  
(Effective from passage)**

This section is new language that requires the chief court administrator, in consultation with state agencies, private organizations, and advocates, to develop a plan to make temporary financial support part of the relief available to a person who applies for a restraining order pursuant to *C.G.S. §46b-15, Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders.* The plan must be submitted to the House Speaker's Task Force on Domestic Violence and the Judiciary Committee by January 15, 2014.

**Section 20                      Assessment of Training Programs  
(Effective from passage)**

The bill requires the chief court administrator to conduct an assessment of the family violence training programs provided to judges and Judicial Branch staff, including the training on family violence intervention units program and to compare Connecticut's programs with those in other northeastern states. A report on the assessment shall be submitted to the Judiciary Committee by December 31, 2013

**Section 21                      Expansion of Restraining Orders Task Force  
(Effective upon passage)**

This section is new legislation that establishes a task force to study the feasibility of amending *C.G.S. §46b-15, Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders,* to allow a person other than a family or household member to apply for a restraining order. The task force shall submit a report to the Judiciary Committee not later than February 5, 2014 and shall terminate upon the submission of such report. Current law restricts application for an order of relief to family and household members as defined in *C.G.S §46b-38a, Family violence prevention and response: Definitions.*

## **EMPLOYER/EMPLOYEE**

### **Public Act No. 13-176      AN ACT CONCERNING EMPLOYEE ACCESS TO PERSONNEL FILES**

#### **Sections 1 & 2      Employee's Right to Inspect**

These sections amend *C.G.S. §31-128b, Employee access to personnel files, and C.G.S. §31-128e, Removal or correction of information. Employee's explanatory statement*, to provide a time period within which an employer is required to permit a former employee a time to inspect and/or copy their personnel file.

## **FIREARMS**

### **Public Act No. 13-3      AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY**

This act makes numerous changes to the current firearm laws and has various effective dates depending upon the section.

*The following sections are effective July 1, 2013:*

#### **Section 1      Long Gun Definition (Effective July 1, 2013)**

Section 1 amends *C.G.S. §29-37a, Sale or delivery at retail of firearm other than pistol or revolver. Procedure*, and defines a long gun as a firearm and prohibits the sale or transfer of a long gun to a person under 18 and after April 1, 2014 requires a person purchasing a long gun to have a valid permit or eligibility certificate. The section articulates criteria for the sale and transfer of long guns.

#### **Section 2      Long Gun Eligibility Certificate (Effective July 1, 2013)**

Section 2 is new and permits a person 18 years of age or older to apply for a long gun eligibility certificate. This section articulates the basis for a denial by the Department of Emergency Services and Public Protection (DESPP).

#### **Section 8      Denial Based Upon Mental Health (Effective July 1, 2013)**

Section 8 amends *C.G.S. 29-38b, Determination of commitment status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application*, and expands the criteria to deny a person a permit or a firearm based upon his/her mental health.

**Section 14                    Ammunition, Magazine Defined  
(Effective July 1, 2013)**

Section 14 is new and defines ammunition and magazine and prohibits the sale of such to anyone under the age of 18. In addition, this section prohibits the sale of such to anyone unless they have a valid firearm permit to carry or sell such or a valid long gun eligibility certificate.

**Section 15                    Ammunition Certificate  
(Effective July 1, 2013)**

Section 15 provides the process for a person over 18 to obtain an ammunition certificate.

**Section 23                    Large Capacity Magazine Defined  
(Effective July 1, 2013)**

Section 23 is new legislation and provides definitions for large capacity magazine, lawfully possesses, licensed gun dealer and exemptions for certain law enforcement officials.

**Section 24                    New Class C Misdemeanor  
(Effective July 1, 2013)**

Section 24 is new and provides a process to declare possession of a large capacity magazine and creates a new class C misdemeanor offense.

**Section 25                    Assault Weapons  
(Effective July 1, 2013)**

Section 25 amends *C.G.S. §53-202a, Assault weapons: Definition*, and provides a new definition of an assault weapon.

**Section 51                    Confidentiality  
(Effective July 1, 2013)**

Section 51 amends subsection (e) of *C.G.S. §29-36g, Application for eligibility certificate. Criminal history records check. Deadline for approval or denial of application. Form of certificate. Change of address. Confidentiality of name and address of certificate holder. Scope of certificate*, and makes technical changes maintaining the confidentiality of the names and addresses of persons issued an eligibility certificate.

**Section 59                      Risk Reduction Credits and Parole  
(Effective July 1, 2013)**

Section 59 amends *C.G.S. §54-125a, Parole of inmate serving sentence of more than two years. Eligibility. Hearing to determine suitability for parole release of certain inmates*, and deletes risk reduction credits from consideration in parole decisions.

*The following sections of Public Act No. 13-3 are effective October 1, 2013:*

Section 10 is new and requires that hospitals report certain identifying information related to persons voluntarily admitted for the treatment of psychiatric disabilities to the Department of Mental Health and Addiction Services (DMHAS). DMHAS is required to maintain a record of this information for all admissions occurring after October 1, 2013.

Section 32 amends *C.G.S. §53-202l, Armor piercing and incendiary . 50 caliber ammunition: Definition. Sale or transfer prohibited. Class D felony*, and expands the definition of “armor piercing bullet”. This section makes the knowing transportation or carrying of a firearm loaded with such a “bullet” a class D felony.

Section 33 amends *C.G.S. §29-38c, Seizure of firearms of person posing risk of imminent personal injury to self or others*, and permits police to seize ammunition, in addition to firearms, from persons at imminent risk of harming themselves or others. Ammunition seizures are subject to the same warrant requirements currently applicable to firearm seizures.

Section 34 & 35 amend *C.G.S. §29-36k, Transfer, delivery or surrender of firearms by persons ineligible to possess firearms. Destruction of firearms. Penalty*, and *C.G.S. §29-36n, Protocol for the transfer, delivery or surrender of pistols and revolvers respectively*, and impose the same requirements relating to surrender and transfer of ammunition that currently apply to firearms in the case of an individual who becomes ineligible to possess such firearms. Violations are subject to the same penalties that currently apply in the case of firearms.

Section 36 amends subsection (b) of *C.G.S. §46b-15, Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies*, to require that the application form for a civil order for relief from physical abuse be modified to indicate whether the respondent is in possession of ammunition.

Section 37 amends *C.G.S. §46b-38b, Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Education and training program. Compliance with model law enforcement policy on family violence. Assistance and protocols for victims whose immigration status is questionable*, to permit police, when responding to an incident of family violence, to seize ammunition in the same manner as currently permitted with respect to firearms.

Section 38 amends subsection (c) of *C.G.S. §46b-38c, Family violence response and intervention units. Local units. Duties and functions. Protective orders. Electronic monitoring pilot program. Pretrial family violence education program; fees. Training program*, to require that local family violence intervention units (Family Relations) indicate in its report to the court, whether a victim of family violence has reported that a defendant is in possession of ammunition.

Section 39 amends *C.G.S. §54-36e, Firearms to be turned over to state police. Sale at public auction*, to treat ammunition in the same manner as firearms when a court deems such as contraband or nuisance subject to destruction or disposal by sale at public auction.

Section 41 amends subsection (d) of *C.G.S. §54-36n, Identification and tracing of seized and recovered firearms*, to require that police return seized or recovered ammunition that is found to be stolen, to the rightful owner if it is determined not to be evidence in a criminal case. This is current law with respect to firearms seized or recovered.

Section 42 amends *C.G.S. §53-202aa, Firearms trafficking: Class C or class B felony*, to increase criminal penalties for firearm trafficking for violations that occur on or after October 1, 2013. New penalties include a 3 year mandatory non-suspendable term of incarceration and increased fines.

Section 43 amends *C.G.S. §53a-212, Stealing a firearm: Class D felony*, to increase criminal penalties for theft of a firearm. The penalty for a violation is increased from a class D felony to a class C felony with a 2 year mandatory, non-suspendable term of incarceration.

Section 44 amends *C.G.S. §53a-217, Criminal possession of a firearm or electronic defense weapon: Class D felony*, to make expand the conditions that constitute criminal possession of firearms or electronic defense weapons. Ammunition is now included. A person is now subject prosecution of criminal possession when they have been convicted of certain misdemeanors committed after the effective date of the act. People who have been either confined or admitted to a hospital for the treatment of psychiatric disorders or who have been found not guilty of a crime due to a mental disease or defect are also subject to prosecution if in possession. The penalty upon conviction has increased from a class D to a class C felony.

Section 45 amends *C.G.S. §53a-217c, Criminal possession of a pistol or revolver: Class D felony*, to broaden the range of individuals liable under the criminal possession of a pistol or revolver statute. The new prohibitions add individuals who have been confined or admitted



to a hospital for the treatment of psychiatric disorders. The penalty upon conviction has increased from a class D to a class C felony and now includes a 2 year mandatory, non-suspendable term on incarceration.

Section 46 amends *C.G.S. §29-32, Revocation of permit. Notification. Confiscation. Penalty for failure to surrender permit*, to increase the penalty for failing to surrender a revoked pistol permit from a class C misdemeanor to a class A misdemeanor.

Section 47 amends *C.G.S. §29-33, Sale, delivery or transfer of pistols and revolvers. Procedure. Penalty*, to increase the penalties for illegal sale, delivery or transfer of pistols and revolvers. Violations that were class D felonies are now class C felonies with 2 year mandatory, non-suspendable terms of incarceration. Violations that were class B felonies now include a 3 year mandatory, non-suspendable term.

Section 48 amends *C.G.S. §29-34, False statement or information in connection with sale or transfer of pistol or revolver prohibited. Sale or transfer to person under twenty-one years of age prohibited. Temporary transfers. Penalties*, to increase the penalties for false statements in connection with the sale or transfer of a handgun and transfer to a person under the age of 21. In both cases, violations that were punishable as class D felonies are now class C felonies with 2 year mandatory, non-suspendable terms of incarceration.

Section 49 amends *C.G.S. §29-36, Alteration of firearm identification mark, number or name*, to increase the penalties for alteration of a firearm identification mark, name or number from a class D felony to a class C felony with a 2 year mandatory, non-suspendable term of incarceration.

Section 50 amends subsection (b) of *C.G.S. §53-202g, Report of loss or theft of assault weapon or other firearm. Penalty*, to increase the penalties for a failure to report the loss or theft of a firearm. A conviction for a second offense is now a class C felony. A conviction for an intentional failure to report such a loss or theft is now a class B felony.

Section 52 amends *C.G.S. §29-36i, Revocation of eligibility certificate*, and increases the penalty for failure to surrender an eligibility certificate for a handgun from a class C misdemeanor to a class A misdemeanor.

Section 53 amends *C.G.S. §29-37j, Purchase of firearm with intent to transfer it to person prohibited from purchasing or possessing*, to increase the penalties for the purchase of a firearm with the intent to transfer it to a person who is prohibited from purchasing or possessing. Such a purchase and transfer is now a class C felony with a 2 year mandatory, non-suspendable term of incarceration.

The amended statute also increases the penalty for the solicitation of a straw purchase by a person prohibited to possess or receive to a class D felony with a 1 year mandatory, non-suspendable term of incarceration. The actual receipt of a firearm by a prohibited person who has solicited the transfer is now punishable as a class C felony with a 2 year mandatory,

non-suspendable term. Finally, any person who has solicited the transfer or purchased with the intent to transfer, and has been convicted of any felony within the prior five years, is guilty of a class B felony with a 3 year mandatory, non-suspendable term of incarceration.

Section 56 amends *C.G.S. §53a-217a, Criminally negligent storage of a firearm: Class D felony*, by extending criminal liability for the negligent storage of a firearm. Prior to this act, the legal duty to securely store a loaded firearm applied only when a person under age 16 was likely to gain access to it without his or her parent's or guardian's permission. The act extends this duty to anyone who knows or should know that a resident of the premises where he or she is storing a loaded firearm (1) is ineligible to possess firearms under state or federal law or (2) poses an imminent risk of hurting himself or herself or others. Negligent storage of a firearm remains a class D felony.

*The following sections of Public Act 13-3 are effective January 1, 2014:*

Sections 18 – 22 are new and establish a “deadly weapon offender registry.”

The act requires the Department of Emergency Services and Public Protection (DESPP) to establish and maintain a registry of people convicted or found not guilty by reason of mental disease or defect, of an offense committed with a deadly weapon.

Qualifying offenses are those (1) specified in the act or (2) any felony, provided the court finds that, at the time of the offense, the offender either used, or was armed with and threatened to use, displayed, or represented by words or conduct that he or she possessed a deadly weapon

Anyone convicted, or found not guilty by reason of mental disease or defect, of a deadly weapon offense and released into the community on or after January 1, 2014, must register with DESPP within 14 calendar days after being released. Anyone in DOC custody must register before release. The registration period is five years.

People required to register must do so annually within 20 calendar days after each anniversary date of the initial registration date. They must appear in person at the local police department or state police troop in the jurisdiction they live to verify and update the registration, as appropriate

Failure to inform DESPP of a name or address change or register and update one's status as required is a class D felony.

**Public Act No. 13-220      AN ACT CONCERNING REVISIONS TO THE GUN  
VIOLENCE PREVENTION AND CHILDREN'S SAFETY ACT**

*The following sections of Public Act No. 13-220 are effective upon passage or July 1, 2013:*

Section 1 amends section 23 of public act 13-3.

Section 2 amends section 24 of public act 13-3.

Section 3 amends subparagraphs (E) and (F) of subdivision (1) of *C.G.S. §53-202a, Assault weapons: Definition*, as amended by section 25 of public act 13-3.

Section 4 amends subdivision (7) of *C.G.S. §53-202a, Assault weapons: Definition*, as amended by section 25 of public act 13-3.

Section 5 amends subsection (b) of *section 53-202b, Sale or transfer of assault weapon prohibited. Class C felony*, as amended by section 26 of public act 13-3.

Section 6 amends *C.G.S. §53-202c, Possession of assault weapon prohibited. Class D felony*, as amended by section 27 of public act 13-3.

Section 7 amends subsections (a) and (b) of *C.G.S. §53-202d, Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized*, as amended by section 28 of public act 13-3.

Section 8 amends subsection (f) *C.G.S. §53-202d, Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized*, as amended by section 28 of public act 13-3.

Section 9 amends *C.G.S. §53-202f, Transportation of assault weapon. Authorized actions of gun dealer*, as amended by section 29 of public act 13-3.

Section 10 amends *C.G.S. §53-202i, Circumstances in which manufacture or transportation of assault weapons not prohibited*, as amended by section 30 of public act 13-3.

Section 11 amends *C.G.S. §53-202m, Circumstances when assault weapons exempt from limitations on transfers and registration requirements*, regarding firearms manufactured prior to September 13, 1994.

Section 12 amends subsections (c) to (h), of *C.G.S. §29-37a, Sale or delivery at retail of firearm other than pistol or revolver. Procedure*, as amended by section 1 of public act 13-3.

Section 13 amends subsections (a) and (b) of section 15 of public act 13-3.

Section 15 amends subsection (b) of section 2 of public act 13-3.

Section 18 amends subsection (b) of *C.G.S. §29-32b, Board of Firearms Permit Examiners. Appeals to board. Hearings*, as amended by section 6 of public act 13-3.

Section 19 amends subsection (d) of section 14 of public act 13-3.

*The following sections of Public Act No. 13-220 are effective October 1, 2013:*

Section 14 amends subsection (b) of *C.G.S. §29-28, Permit for sale at retail of pistol or revolver. Permit to carry pistol or revolver. Confidentiality of name and address of permit holder. Permits for out-of-state residents*, as amended by section 57 of public act 13-3.

Section 16 amends subsection (a) of *C.G.S. §53a-217c, Criminal possession of a pistol or revolver: Class D felony*, as amended by section 45 of public act 13-3.

Section 17 amends subsections (c) and (d) of *C.G.S. §53-202l, Armor piercing and incendiary . 50 caliber ammunition: Definition. Sale or transfer prohibited. Class D felony*, as amended by section 32 of public act 13-3.

Section 20 amends *C.G.S. §45a-100, Power to grant relief from federal firearms disability*. The act prohibits the probate court from granting relief from a federal firearms disability if the petitioner is prohibited from possessing a firearm pursuant to *C.G.S. §53a-217, Criminal possession of a firearm or electronic defense weapon: Class D felony*, as amended by public act 13-3.

## **FREEDOM OF INFORMATION**

**Public Act No. 13-311**      **AN ACT LIMITING THE DISCLOSURE OF CERTAIN RECORDS OF LAW ENFORCEMENT AGENCIES AND ESTABLISHING A TASK FORCE CONCERNING VICTIM PRIVACY UNDER THE FREEDOM OF INFORMATION ACT.**

**Section 1**                      **Prohibits disclosure of identity of minor witness  
(Effective Upon Passage)**

Section 1 amends the Freedom of Information statutes, effective from passage, June 5, 2013, and applicable to all requests for records under chapter 14 of the general statutes pending on or made on or after the date of passage.

Section 1 of the act specifically amends subdivision (3) of subsection (b) of *C.G.S. §1-210, Access to public records. Exempt records*, to exempt from disclosure to the public the identity of minor witnesses.

**Section 2                      Photos, Videos, Visual Images of Homicide Victims - Disclosure Prohibited  
(Effective July 1, 2013)**

Section 2 of the act creates a new exemption (27) in *C.G.S. §1-210, Access to public records. Exempt records*, which prohibits disclosure to the public of “[a]ny record created by a law enforcement agency or other federal, state, or municipal governmental agency consisting of a photograph, film, video or digital or other visual image depicting the victim of a homicide, to the extent that such record could reasonably be expected to constitute an unwarranted invasion of the personal privacy of the victim or the victim's surviving family members.”

**Section 3                      Certain Audio/Recordings – Disclosure Prohibited  
(Effective July 1, 2013)**

Section 3 of the act is new legislation and provides that “a law enforcement agency shall not be required to disclose that portion of an audio tape or other recording where the individual speaking on the recording describes the condition of a victim of homicide, except for a recording that consists of an emergency 9-1-1 call or other call for assistance made by a member of the public to a law enforcement agency. This section shall apply to any request for such audio tape or other recording made on or before May 7, 2014.”

**Section 4                      Task Force Created  
(Effective July 1, 2013)**

Section 4 of the act, establishes a task force, which includes the Chief Public Defender, to review and make recommendations regarding the victim’s privacy and the public’s right to know and submit a report to the legislative leadership by January 1, 2014. (Effective July 1, 2013.)

## **HOMELESS PERSON**

**Public Act No. 13-251            AN ACT CONCERNING A HOMELESS PERSON’S  
BILL OF RIGHTS**

This is new legislation which provides statutory guarantees to the privacy and property rights of homeless persons.

## **IMMIGRATION**

**Public Act No. 13-155      AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS**

**Section 1                      Criteria for Detention Pursuant to Civil Immigration Detainers  
(Effective January 1, 2014)**

This section provides definitions, including a definition of civil immigration detainees and when a law enforcement officer may detain a person in custody pursuant to a civil immigration detainer, release the person or provide notification to U.S. Immigration and Customs Enforcement.

## **INMATES**

**Public Act No. 13-68      AN ACT EXEMPTING INSTITUTIONS OF HIGHER  
EDUCATION THAT OFFER FREE COURSES TO INMATES  
FROM STATE CONTRACTING REQUIREMENTS**

**Section 1                      Not a State Contractor**

This is new legislation which exempts an higher education institution from being considered a state contractor when entering in to an agreement to teach at a DOC facility.

**Public Act No. 13-69      AN ACT CONCERNING INMATE DISCHARGE SAVINGS  
ACCOUNTS  
(Effective July 1, 2013)**

The act makes technical changes and amends *C.G.S. §18-84a, Discharge savings accounts. Regulations*, to specify persons with such accounts are sentenced prisoners and that the inmate is entitled to the savings upon release from incarceration.

**Public Act No. 13-165      AN ACT CONCERNING RESIDENTIAL STAYS AT  
CORRECTIONAL FACILITIES**

**Section 1                      Permitted to Remain in DOC Upon Request  
(Effective July 1, 2013)**

This amends *C.G.S. §18-101b, Residential stays at correctional facilities. Continuation in programs beyond discharge date*, to permit an inmate to request to remain at DOC up to 30 days beyond his discharge date if awaiting a treatment or health care program or for any other compelling reason "consistent with offender rehabilitation or treatment."

## **LARCENY**

**Public Act No. 13-211      AN ACT EXCLUDING SCHOOL ACCOMMODATIONS FROM SERVICES THAT ARE SUBJECT TO THE LARCENY STATUTES**

**Section 1                      School Accommodation - Service Not a Larceny**

This section amends subsection (a) of *C.G.S. §53a-118, Definitions generally*, to exempt from the definition of services:

*school accommodations provided by a school district to (A) a child or an emancipated minor, or (B) a pupil eighteen years of age or older who was a homeless person, as defined in subdivision (3) of section 8-355, at the time of the offense . . .*

## **MOTOR VEHICLES**

**Public Act No. 13-89      AN ACT CONCERNING THE ISSUANCE OF MOTOR VEHICLE OPERATORS' LICENSES**

**Section 1                      New Definitions (Effective January 1, 2015)**

This is new legislation which provides definitions for “primary proof of identity”, “secondary proof of identify” and “proof of residency” for persons who cannot establish that they are legally in the United States or have a social security number for purposes of applying for a motor vehicle license. Exempted from utilizing these new procedures to prove their identity under the new definitions are persons who are convicted of a felony in CT.

**Section 3                      New Working Group Created (Effective From Passage)**

This section creates a working group that will examine methods to verify foreign documents that may be submitted to the DMV by persons applying for a motor vehicle license.

**Public Act No. 13-102      AN ACT CONCERNING THE PENALTY FOR FAILURE TO REMOVE ICE OR SNOW FROM A MOTOR VEHICLE**

**Section 1                      Deemed an Infraction**

This section amends *C.G.S. §14-252a, Removal of ice and snow from motor vehicle required. Penalty*, to clarify that a violation of this statute by a non-commercial or commercial motor vehicle driver shall be “deemed” an infraction.

## **POLICE**

### **Public Act No. 13-160      AN ACT CONCERNING SECONDHAND DEALERS**

#### **Section 1                      Dealers in Used Items Now Included**

This section amends *C.G.S. §21-39a, Definitions*, which contains various definitions pertaining to dealers of various merchandise. The act adds “dealers in used clothing, used children’s products and used sport equipment to the definition of a secondhand dealer and provides definitions for each.

### **Public Act No. 13-255      AN ACT CONCERNING PRECIOUS METALS OR STONES DEALERS**

#### **Section 1                      Receipt For Property When Property Seized**

This section amends *C.G.S. §21-100, License required. Fee. Record of transactions. Payment terms. Weekly statement. Penalties*, to require that law enforcement provide a receipt for any property it seizes from a precious metal or stone business, provide a process for the dealer to claim ownership, and permit restitution to the dealer should the seller of items purchased by the dealer subsequently be convicted and the dealer suffer a financial loss.

### **Public Act No 13-300      AN ACT CONCERNING THE PENALTY FOR INTERFERING WITH AN OFFICER**

#### **Section 1                      Interfering Can Be a D Felony**

This amends *C.G.S. §53a-167a, Interfering with an officer: Class A misdemeanor*, and creates a class D felony if a person is guilty of interfering with an officer under the statute *and* the violation of such causes “the death or serious physical injury of another person.”

## **PSRB**

### **Public Act No. 13-73      AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN PERSONS GRANTED TEMPORARY LEAVE BY THE PSYCHIATRIC SECURITY REVIEW BOARD. (Effective July 1, 2013)**

The act amends subdivision (10) of *C.G.S. §54-250, Definitions*, to require persons who are found not guilty due to mental disease or defect to register as a sex offender if the conviction requires such registration and if they are granted a temporary leave to an approved residence pursuant to C.G.S. §17a-587 by the PSRB.



# **PUBLIC NUISANCES**

## **Public Act No. 13-174      AN ACT CONCERNING THE ABATEMENT OF A PUBLIC NUISANCE**

### **Section 1                      Municipal Citations Trigger Nuisance Abatement**

This section amends *C.G.S. §19a-343, Action to abate public nuisance after three or more arrests or arrest warrants. Offenses*, to allow for nuisance abatement by the state upon the issuance of 3 or more citations for a municipal ordinance violation. The law had provided for abatement upon the issuance of 3 or more arrest warrants previously. The amendment adds firearm offenses to the list of offenses and further defines the ordinances for which abatement can be sought as:

Violation of a municipal ordinance resulting in the issuance of a citation for (A) excessive noise on nonresidential real property that significantly impacts the surrounding area, provided the municipality's excessive noise ordinance is based on an objective standard, (B) owning or leasing a dwelling unit that provides residence to an excessive number of unrelated persons resulting in dangerous or unsanitary conditions that significantly impact the safety of the surrounding area, or (C) impermissible operation of (i) a business that permits persons who are not licensed pursuant to section *C.G.S. §20-206b, Practice restricted to licensed persons. Qualifications. Application and renewal. Fees. Exceptions. Medical referral required. Penalty for practice or use of title by unlicensed person. Penalty for knowing and wilful employment of unlicensed person*, to engage in the practice of massage therapy, or (ii) a massage parlor, as defined by the applicable municipal ordinance, that significantly impacts the safety of the surrounding area.

### **Section 3                      Affirmative Defense**

This section amends *C.G.S. §19a-343a, Commencement of action to abate public nuisance. Temporary ex parte order. Hearing. Defendants. Financial institutions. Affirmative defense*, to provide a defendant in a nuisance abatement proceeding the right to present an affirmative defense showing that he/she took steps to abate the nuisance. The burden to demonstrate this is by a preponderance of evidence.

## **RACIAL DISPARITIES**

**Public Act No. 13-75**

**AN ACT CONCERNING TRAFFIC STOP INFORMATION**

### **Section 1**

### **New Definitions**

Section 1 expands which entities are subject to the statutory requirements to conduct a traffic stop and provides definitions of those entities. New language is added to exempt from recording traffic stop information to whenever a police officer is required to leave the scene to respond to an emergency or due to exigent circumstances. In addition, the amendment clarifies the type of information required to be collected. It also requires that the report contain whether a search occurred, the authority for and result of the search, and if a violation of a statute or regulation occurred, to articulate such. Lastly, the act requires that the reports provide monthly reports to OPM of the traffic stop information collected and that all information be submitted in electronic form in and after January 1, 2015.

## **SENTENCING COMMISSION**

**Public Act No. 13-28**

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO SEXUAL ASSAULT IN THE FOURTH DEGREE AND KIDNAPPING IN THE FIRST DEGREE WITH A FIREARM**

### **Section 1**

### **Eliminate “intentionally”**

Section 1 amends *C.G.S. §53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, and deletes the word “intentionally” from subsection (a) as unnecessary. All of the various conduct articulated in the statute require that a person engage in the prohibited sexual conduct with the intent to obtain sexual gratification or to degrade the victim.

### **Section 2**

### **Kidnapping in the 1<sup>st</sup> degree with firearm**

Section 2 amends *C.G.S. §53a-92a, Kidnapping in the first degree with a firearm: Class A felony: One year not suspendable*. Kidnapping in the first degree with a firearm, a class A felony and removes the mandatory minimum sentence language from the statute. By doing so the penalty conforms to that of kidnapping in the first degree and eliminates the conflict that existed in the statutory scheme.

**Public Act No. 13-144**

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING FALSE STATEMENT**

## **Section 1                      False Statement on Certified Payroll**

This section amends *C.G.S. §53a-157a, False statement in the first degree: Class D felony*, which had been titled false statement in the first degree to eliminate the degree term and to distinguish this offense from any other false statement that is punishable as an offense. This statute now pertains only to a person who intentionally makes a false statement on a certified payroll. The offense remains classified as a class D felony.

## **Section 2                      False Statement**

This section amends *C.G.S. §53a-157b, False statement in the second degree: Class A misdemeanor*, in regard to what has been the offense of false statement in the second degree. The amendment creates instead the offense of false statement and reorganizes the elements for clarity. False statement is a class A misdemeanor.

## **Section 3 & 4                  Technical Changes**

These sections make technical changes to *C.G.S. §7-294d, Powers of council. Certification of police officers, police training schools and law enforcement instructors. Refusal to renew, cancellation or revocation of certification. Automatic certification. Exemptions, and C.G.S §22a-376, Injunctions. Forfeiture. Penalties*, in accordance with the changes made in Sections 1 and 2 of this act.

**Public Act No. 13-201            AN ACT CONCERNING THE RECOMMENDATIONS OF  
THE CONNECTICUT SENTENCING COMMISSION  
REGARDING THE MEMBERSHIP OF THE COMMISSION  
(Effective July 1, 2013)**

The act amends subsection (d) of *C.G.S. §54-300, Sentencing Commission*, and expands from 23 to 27 the number of persons on the Connecticut Sentencing Commission and adds the chairs and ranking members, or their designees, of the Judiciary Committee.

**NOTE: THIS ACT WAS VETOED BY THE GOVERNOR ON JUNE 25, 2013.**

**Public Act No. 13-258            AN ACT CONCERNING THE RECOMMENDATIONS  
OF THE CONNECTICUT SENTENCING  
COMMISSION REGARDING UNCLASSIFIED  
FELONIES**

## **Sections 1                      New Class E Felony**

This section creates a new class E felony for which the maximum term of imprisonment is in excess of 1 year but not more than 3 years.

## **Sections 2- 122                Various Changes To Felony Classifications**

A complete chart of all of the changes as reported by the Legislative Commissioner's Office in the Appendix and at:

<http://www.cga.ct.gov/2013/sum/2013SUM00258-R01SB-00983-SUM.htm>

## **SEX OFFENDERS**

**Public Act No. 13-47      AN ACT CONCERNING THE SEXUAL ASSAULT OF A PERSON WHO IS PHYSICALLY HELPLESS OR WHOSE ABILITY TO CONSENT IS OTHERWISE IMPAIRED**

### **Section 1 & 2      New Terminology**

Sections 1 and 2 amend *C.G.S. §53a-71, Sexual assault in the second degree: Class C or B felony*, and *§53a-73a, Sexual assault in the fourth degree: Class A misdemeanor or class D felony*, respectively by deleting the phrase "mentally defective" and replacing it with "impaired because of mental disability or disease".

### **Section 3      New Definitions**

Section 3 amends the title of subsection (4) of *C.G.S. §53a-65, Definitions*, by changing "mentally defective" to "impaired because of mental disability or disease" and amends the definition accordingly by removing "defect". In addition, the definition of "physically helpless" in subsection (6) is amended to mean a person who is "(A) unconscious, or (B) for any other reason, is physically unable to resist an act of sexual intercourse or sexual contact or to communicate unwillingness to an act of sexual intercourse or sexual contact."

### **Section 4      Condition of the Victim**

This section amends *C.G.S. §53a-67, Affirmative defenses*, for prosecutions based upon a victim's being impaired because of mental disability or disease for which a defendant may assert an affirmative defense.

**Public Act No. 13-73      AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN PERSONS GRANTED TEMPORARY LEAVE BY THE PSYCHIATRIC SECURITY REVIEW BOARD.  
(Effective July 1, 2013)**

The act amends subdivision (10) of *C.G.S. §54-250, Definitions*, to require persons who are found not guilty due to mental disease or defect to register as a sex offender if the conviction requires such registration and if they are granted a temporary leave to an approved residence pursuant to *C.G.S. §17-587*, by the PSRB.

**Section 1                      Prostitution – Money Forfeited**

This section subjects all money used, intended for use for or property constituting the proceeds from prostitution to forfeiture. As a result, any person charged with prostitution risks forfeiture of money or property used or derived from prostitution.

**Section 2                      Trafficking in Persons**

This section amends *C.G.S. §53a-192a, Trafficking in persons: Class B felony*, to change the definition of trafficking, a class B felony to:

A person is guilty of trafficking in persons when such person compels or induces another person to engage in conduct involving more than one occurrence of sexual contact with one or more third persons, or provide labor or services that such person has a legal right to refrain from providing, by means of (1) the use of force against such other person or a third person, or by the threat of use of force against such other person or a third person, (2) fraud, or (3) coercion, as provided in section *53a-192 Coercion: Class A misdemeanor or class D felony*. For the purposes of this subsection, "sexual contact" means any contact with the intimate parts of another person.

**Section 3                      Affirmative Defense – Duress Defense**

This section amends *C.G.S. §53a-82, Prostitution: Class A misdemeanor*, to conform with federal law and the amendments made in Section 2. In addition, the amendment clarifies that a person's right to assert the defense of duress is not limited by the changes.

**Section 4                      Patronizing a Prostitute Under the Age of 18 – New C Felony**

This amends *C.G.S. §53a-83, Patronizing a prostitute: Class A misdemeanor*, and does not change the classification of the offense as a class A misdemeanor unless:

the person knew or reasonably should have known at the time of the offense that such other person (1) had not attained eighteen years of age, or (2) was the victim of conduct of another person that constitutes (A) trafficking in persons in violation of section *53a-192a, Trafficking in persons: Class B felony*, as amended by this act, or (B) a criminal violation of 18 USC Chapter 77, as amended from time to time.

## **Section 5                      Application to Vacate Judgment of Conviction**

This is new legislation which provides a process for a person convicted of violating *C.G.S. §53a-82, Prostitution: Class A misdemeanor*, to apply to the court asking that the conviction be vacated based upon certain criteria.

## **Section 6                      Notices to Victims of Human Trafficking**

This amends *C.G.S. §54-222, Bilingual brochure re rights of victims and victim services*, to require the Chief Court Administrator to develop a notice to Human Trafficking victims regarding available services.

## **Section 7                      Truck Stops and Notice**

This section is new and requires truck stops and establishments that sell alcohol to post the notice that Judicial develops.

## **Section 8                      Review by Office of Victim Services (Effective from passage)**

This is new and requires the Office of Victim Services to review the compensation and restitution services to victims of trafficking.

## **Section 9                      Council Composition (Effective from passage)**

This amends subsection (b) of *C.G.S. §46a-170, Trafficking in Persons Council. Membership. Duties. Reports*, and designates the members of the Council.

## **Section 10                      Mission of Council (Effective from passage)**

This section is new and sets out the mission of the Council as it reviews the trafficking statutes and identifies deficiencies and legislation pertaining to such.

# **SOCIAL WORKERS**

## **PUBLIC ACT NO. 13-76      AN ACT REQUIRING LICENSES SOCIAL WORKERS, COUNSELORS AND THERAPISTS TO COMPLETE CONTINUING EDUCATION COURSE WORK IN CULTURAL COMPETENCY**

## **Section 1                      Continuing Education Required**

This section amends subsections (a) and (b) of *C.G.S. §20-195u, Continuing education requirements: Record-keeping; exemptions; waivers; reinstatement of void licenses.* to require all licensed social workers and counselors, including licensed or certified alcohol and drug counselors to complete at least 1 hour of cultural competency training or education.

## APPENDIX

### Office of Legislative Research Summary

PA 13-258—sSB 983

*Judiciary Committee*

*Finance, Revenue and Bonding Committee*

### AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING UNCLASSIFIED FELONIES

**SUMMARY:** By law, felonies are punishable by more than one year imprisonment. They are classified according to severity as class A, B, C, or D. There are also unclassified felonies punishable by more than one year in prison.

This act creates a new felony classification, a class E felony, punishable by up to three years in prison, a fine of up to \$3,500, or both. For class D felonies, the act eliminates a minimum one-year prison term, which was not a mandatory minimum and could be suspended in all or part by a judge. Thus, the act makes class D felonies punishable by up to five years in prison, a fine of up to \$5,000, or both.

The act also adjusts the penalties of many previously unclassified felonies to fit them into classifications while deeming others to be classified.

Regarding class E felonies, the act:

1. classifies 11 unclassified felonies as class E felonies without changing their prison penalties but increasing their maximum fines;
2. classifies one unclassified felony as an E felony by changing its prison penalty and fine; and
3. deems (a) 11 unclassified felonies to be class E felonies without changing their prison penalties but increasing their maximum fines, (b) one unclassified felony to be a class E felony with a change in prison penalty and fine, and (c) any other unclassified felony with a maximum prison term of more than one but not more than three years to be a class E felony without any changes to the prison term or fine.

The act classifies as class D felonies:

1. 23 unclassified felonies without changing their maximum prison penalties and fines but eliminating a one-year minimum sentence that was not a mandatory minimum and could be suspended in all or part by a judge,
2. 38 unclassified felonies without changing their prison penalties but increasing their maximum fines,
3. one unclassified felony by changing its prison penalty and fine, and



4. 40 unclassified felonies without any change in prison penalties or fines.

The act classifies six unclassified felonies as class C felonies without changing their maximum prison penalties but adding a minimum one-year prison term, which is not a mandatory minimum and can be suspended fully by a judge (it also increases the fine for one of these crimes).

Finally, the act makes technical and conforming changes (§§ 5-7, 92).

EFFECTIVE DATE: October 1, 2013

#### §§ 1-3 — CLASSES OF FELONIES AND UNCLASSIFIED FELONIES DEEMED CLASSIFIED

By law, felonies are crimes that are punishable by more than one year in prison. The act creates a new class E felony punishable by up to three years in prison, a fine of up to \$3,500, or both. Under the act, an unclassified felony that specifies a maximum prison penalty that is more than one year but not more than three years is deemed a class E felony.

The act also eliminates the statutory one-year minimum sentence for a class D felony, which was not a mandatory minimum sentence and a judge could suspend all or a portion of it.

With the act's changes, Table 1 displays the felony classifications and their penalties. The act allows for fines, other than those listed in Table 1, if a statute so specifies.

Table 1: Felony Classifications and their Penalties

<i>Felony</i>	<i>Prison Term</i>	<i>Fine</i>
Class A felony—murder with special circumstances	Life without the possibility of release	Up to \$20,000
Class A felony—murder	25 to 60 years	Up to \$20,000
Class A felony—aggravated sexual assault of a minor	25 to 50 years	Up to \$20,000
Class A felony	10 to 25 years	Up to \$20,000
Class B felony—1st degree manslaughter with a firearm	Five to 40 years	Up to \$15,000
Class B felony	One to 20 years	Up to \$15,000
Class C felony	One to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$5,000
Class E felony	Up to 3 years	Up to \$3,500

#### §§ 4 & 8 — PRETRIAL RELEASE OF INMATES

The act applies two rules about the pretrial release of inmates to the crimes it classifies as D and E felonies.

### *Release from Prison*

By law, the Department of Correction (DOC) can release arrestees charged only with a misdemeanor or most class D felonies to a DOC-approved residence unless a court orders otherwise. The act extends DOC's authority to release pretrial inmates under this provision to anyone charged with a class E felony.

By law, DOC can impose conditions when it releases a person under this provision, including requiring participating in a substance abuse treatment program and using electronic monitoring or other monitoring technology or services. The person remains under DOC custody and is supervised by DOC employees. The person can be returned to prison for violating the conditions.

### *Bail Modification*

The law requires a bail modification review every 30 days for someone (1) charged with a class D felony or misdemeanor and (2) incarcerated because he or she cannot make bail. This does not apply to someone held pending extradition to another state or for a parole violation. The act extends this review requirement to anyone charged with a class E felony.

## UNCLASSIFIED FELONIES CLASSIFIED OR DEEMED CLASSIFIED AS CLASS E FELONIES

### *Classified With No Change In Prison Penalty But Increased Maximum Fines*

The act classifies the 11 crimes in Table 2 as class E felonies. In doing so, the maximum prison sentence each carries remains the same, but the maximum fines increase to \$3,500. In one instance, the act eliminates a minimum fine (§ 26).

Table 2: Unclassified Felonies Classified as E Felonies With No Change in Prison Penalty But Increased Fines

<i>Act</i>	<i>Statute</i>	<i>Description</i>	<i>Prior Penalty</i> <i>(prison term, fine, or both)</i>
§	§		
21	9-355	Willful neglect of election duty	Up to three years  Up to \$2,000
22	14-149(f)	Altering a motor vehicle identification number or selling or possessing a vehicle with an altered number (1 <sup>st</sup> offense)	Up to three years  Up to \$2,500
23	22-126	Illegally entering a horse in a race	Up to three years

			Up to \$1,000
25	29-37(a)	Violating pistol permit requirements or failing to display gun sales permit	Up to three years Up to \$500
26	31-48a(a)	Hiring professional strikebreakers	Up to three years \$100 to \$1,000
27	51-87(a)	Illegally soliciting cases for an attorney	Up to three years Up to \$1,000
27	51-87(b)	Illegally receiving payment for an attorney referral	Up to three years Up to \$1,000
28	51-87b	Illegal referral to a real estate broker or salesperson or mortgage broker or lender	Up to three years Up to \$1,000
29	53-202f(a)	Illegally transporting an assault weapon	Up to three years Up to \$500
30	53-206(a)	Carrying a dangerous weapon	Up to three years Up to \$500
31	53-368	False certification regarding oath	Up to three years Up to \$1,000

#### *Classified With Change in Prison Penalty and Fine*

The act classifies as a class E felony the crime of stealing, confining, concealing, killing, or injuring a companion animal or concealing the identity of its owner, when it is a subsequent offense or involves multiple animals (§ 24, CGS § 22-351). Accordingly, it eliminates a minimum one-year prison term, which was not a mandatory minimum term, and retains the maximum three-year prison term. It also increases the maximum fine from \$2,000 to \$3,500.

#### *Deemed Classified With Increased Maximum Fines*

The act deems the 11 crimes in Table 3 to be class E felonies without changing their prison penalties, but increasing their maximum fines to \$3,500, which is the default maximum fine set for a class E felony.

Table 3: Unclassified Felonies Deemed to be Class E Felonies With No Change in Prison Penalty But Increased Fines

<i>Act</i>	<i>Statute</i>	<i>Description</i>	<i>Prior Penalty</i> <i>(prison term, fine, or both)</i>
§	§		
9	30-86(b)(2)	Delivering liquor to a minor	Up to 18 months Up to \$1,500
11	14-196(b)	Willfully misusing a motor vehicle title certificate	Up to two years Up to \$1,000
12	21a-165	Selling defective oil for wick lamps or stoves	Up to two years Up to \$300
13	21a-255(b)	Certain controlled substance violations including failing to keep drug records with intent to violate the drug laws and various other specified controlled substance violations without other penalties such as making controlled substances without a license and violating labeling requirements (1 <sup>st</sup> offense)	Up to two years Up to \$1,000
14	29-152	Violating professional bondsmen requirements	Up to two years Up to \$1,000
15	30-99	Selling adulterated liquor	Up to two years Up to \$1,000
16	36b-28(b)	Violating the uniform securities act	Up to two years Up to \$2,000
17	36b-73(b)	Violating the business opportunity investment act	Up to two years Up to \$2,000
18	38a-658	Violating credit life insurance or credit accident and health insurance	Up to two years Up to \$1,500

		requirements	
19	53-201	Illegally aiding a prize fight	Up to two years Up to \$500
20	53a-209	Violating an injunction-obscene matters	Up to two years Up to \$1,000

*Deemed Classified With Change in Prison Penalty and Fine*

The act deems the crime of fraudulent voting on a regional school district budget to be a class E felony. It leaves in place the maximum prison penalty of two years but increases the maximum fine from \$500 to \$3,500. It eliminates a minimum \$300 fine and a minimum one year prison sentence, which was not a mandatory minimum prison sentence (§ 10, CGS § 10-51).

**UNCLASSIFIED FELONIES CLASSIFIED AS CLASS D FELONIES**

*Classified with a Change in Minimum Prison Penalty But No Change In Maximum Prison Penalty or Fine*

Prior law punished the 22 unclassified crimes in Table 4 by one to five years in prison and a fine of up to \$5,000. The act classifies these crimes as class D felonies. In doing so, it (1) eliminates the minimum one year sentence, which was not a mandatory minimum sentence and (2) does not change the maximum fine.

Table 4: Unclassified Felonies Classified as D Felonies With Change in Minimum Prison Penalty But No Change in Maximum Prison Penalty or Fine

<i>Act</i>	<i>Statute</i>	<i>Description</i>
§	§	
33	4d-39(d)	Violating nondisclosure requirements-Department of Information Technology contract
42	12-206(e)	Insurance, hospital, or medical corporation tax fraud
43	12-231(b)	Corporation business tax fraud
44	12-268e(b)	Public service company tax fraud
45	12-304(b)	Avoiding tax on 20,000 or more cigarettes (this penalty also applies to cigarette use or storage tax fraud under CGS § 12-321)
46	12-306b(b)	Cigarette tax fraud
47	12-330f(c)	Willfully avoiding tobacco taxes
48	12-330j(b)	Tobacco products tax fraud

49	12-405d(g)	Estate income tax fraud
50	12-428(2)	Sales/use tax fraud
51	12-452(b)	Alcoholic beverage tax fraud
52	12-464(b)	Motor vehicle fuels tax fraud
53	12-482(b)	Motor carrier road tax fraud
54	12-519(b)	Dividend, interest, and capital gains tax fraud
55	12-551(b)	Admission or cabaret tax fraud
56	12-591(b)	Petroleum products tax fraud
57	12-638g(b)	Controlling interest transfer tax fraud
58	12-737(b)	State income tax fraud
84	20-329x	Prohibited acts-real estate
109	45a-729	Illegally placing a child for adoption
110	49-8a(h)	Recording a false affidavit on land records
119	54-142c(b)	False statement-obtaining criminal history

Similarly, the act classifies the crime of sale or possession of zappers or phantom-ware (which falsify cash register receipts) as a class D felony. In doing so, the act eliminates the prior one year minimum prison penalty, which was not a mandatory minimum; retains the maximum five year prison term; and retains the maximum \$100,000 fine (§ 120, CGS § 12-428a(b)).

*Classified With No Change In Prison Penalty But Increase In Maximum Fine*

The act classifies the 38 crimes in Table 5 as class D felonies. By doing so, it retains their maximum prison penalties but increases their maximum fines. In two instances, the act eliminates a minimum fine (§§ 39 and 61). One crime, carrying a pistol without a permit, carries a mandatory minimum sentence which the act retains (§ 25).

**Table 5: Unclassified Felonies Classified as D Felonies With No Change in Prison Penalty But Increased Fines**

<i>Act</i>	<i>Statute</i>	<i>Description</i>	<i>Prior Penalty</i> <i>(prison term, fine, or both)</i>
§	§		
25	29-37(b)	Carrying a pistol without a permit	Up to five years  One-year mandatory minimum absent mitigating circumstances  Up to \$1,000

32	1-103	Hindering legislation by threat	Up to five years Up to \$1,000
34	7-64	Violating requirements for disposal of a dead body	Up to five years Up to \$500
35	7-66(d)	Violating a sexton's burial duties	Up to five years Up to \$500
36	9-264	Illegally assisting a disabled voter	Up to five years Up to \$1,000
37	9-352	Tampering by an election official	Up to five years Up to \$1,000
38	9-353	False return by an election officer	Up to five years Up to \$1,000
39	9-354	Improperly printing a ballot label	Up to five years \$100 to \$1,000
61	15-69(a)	Tampering with an airport or its equipment	Up to five years \$200 to \$1,000
64	17a-83	False statement-commit child to a hospital for mental illness	Up to five years Up to \$1,000
65	17a-274(m)	False statement-involuntary commitment to Department of Developmental Services	Up to five years Up to \$1,000
66	17a-504	False statement-mentally ill commitment	Up to five years Up to \$1,000
69	19a-324	Violating cremation requirements including certain false statements and illegally removing a body for cremation	Up to five years Up to \$500
70-79	Various from 20-14 to 20-138a(b)	Practicing the following without a license: medicine, chiropractic, natureopathy, podiatry, physical therapy, occupational therapy, nursing, dentistry, dental hygiene, or optometry	Up to five years Up to \$500

80	20-161	Violating optician requirements	Up to five years Up to \$500
81	20-185i(b)	Misrepresenting self as board certified behavior analyst	Up to five years Up to \$500
82	20-193	Practicing psychology without a license	Up to five years Up to \$500
83	20-206p	Illegally using dietitian or nutritionist title	Up to five years Up to \$500
85	20-395h	Violating audiologist requirements	Up to five years Up to \$500
86	20-417	Violating speech and language pathologist requirements	Up to five years Up to \$500
88	21a-279(b)	Possessing hallucinogens or more than 4 oz. of marijuana (1 <sup>st</sup> offense)*	Up to five years Up to \$2,000
88	21a-279(c)	Possessing certain controlled substances or between .5 and 4 oz. of marijuana (2 <sup>nd</sup> and subsequent offenses)*	Up to five years Up to \$3,000
93	28-22	Damaging civil preparedness equipment or impersonating civil preparedness official	Up to five years Up to \$1,000
94	29-38	Carrying in a car a weapon, pistol without a permit, or unregistered machine gun	Up to five years Up to \$1,000
112	53-23	Abandoning a child	Up to five years Up to \$500
113	53-200	Illegal prize fighting	Up to five years Up to \$1,000
115	53-320	Distributing noxious seed or poisons	Up to five years Up to \$1,000
116	53-334	Unlawful disinterment	Up to five years Up to \$2,000



117	53-341	Illegally using the title of physician, surgeon, doctor, or osteopath	Up to five years Up to \$500
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\*The law authorizes an alternative indeterminate sentence for this crime which is unchanged by the act.

The act specifies that the prohibition on advanced practice nursing without a license only applies if it is done for remuneration. The act makes this punishable as a class D felony, which increases the maximum fine for violations from \$500 to \$5,000 but does not change the prison penalty (§ 76).

#### *Classified With Change in Prison Penalty and Fine*

The act classifies the crime of motor vehicle title certificate fraud as a class D felony (§ 11, CGS § 14-196(a)). It eliminates a one-year minimum prison term, which was not a mandatory minimum. It also eliminates a minimum \$500 fine and increases the maximum fine from \$1,000 to \$5,000.

#### *Classified With No Change in Prison Penalty or Fine*

The act classifies the 40 unclassified crimes in Table 6 as class D felonies without changing their prison penalties or fines. For crimes with a maximum fine higher than \$5,000, the default maximum fine for a class D felony, the act retains the prior maximum fine. In three instances, the act also retains a minimum fine (§§ 96-98).

Table 6: Unclassified Felonies Classified as D Felonies Without Changing Prison Penalties or Fines

Act §	Statute §	Description	Prior Penalty (prison term, fine, or both)
22	14-149(f)	Altering a motor vehicle identification number or selling or possessing a vehicle with an altered number (2 <sup>nd</sup> and subsequent offenses)	Up to five years Up to \$5,000
40*	9-623	Violating campaign financing requirements	Up to five years Up to \$5,000
41	10-390	Illegal acts at archeological or sacred sites	Up to five years Up to \$5,000 or twice value of site or artifact
59	14-149a(b)	Operating a chop shop (1 <sup>st</sup> offense)	Up to five years Up to \$5,000

59	14-149a(b)	Operating a chop shop (2 <sup>nd</sup> and subsequent offenses)	Up to five years Up to \$10,000
60	14-299a(f)	Traffic signal preemption device violations causing an accident	Up to five years Up to \$15,000
62	16-33	False statement-report to public utility regulators	Up to five years Up to \$5,000
63	16a-18(b)	Creating a fuel shortage	Up to five years Up to \$250,000
67	17b-30(d)	Illegally releasing biometric identification	Up to five years Up to \$5,000 plus prosecution costs
68	19a-32d(c)	Violating embryo, egg, or sperm disposal requirements	Up to five years Up to \$50,000
68	19a-32d(f)	Violating embryonic stem cell research requirements	Up to five years Up to \$50,000
87	20-581	Violating the Pharmacy Practice Act, including practicing pharmacy without a license	Up to five years Up to \$5,000
89	22a-131a(a)	Violating hazardous waste records requirements (2 <sup>nd</sup> and subsequent offenses)	Up to five years Up to \$50,000 per day
89	22a-131a(b)	Violating hazardous waste permit or order requirements (1 <sup>st</sup> offense)	Up to five years Up to \$50,000 per day
89	22a-131a(c)	Violating used oil requirements (2 <sup>nd</sup> and subsequent offenses)	Up to five years Up to \$100,000 per day
90	22a-226a	Illegally disposing of asbestos, violating waste facility requirements or permits, handling waste without a permit, illegal dumping, violating	Up to five years Up to \$50,000 per day

		solid waste management regulations, violating resources recovery regulations, or violating a waste abatement order (2 <sup>nd</sup> and subsequent offenses)	
91	22a-226b	Committing the violations listed under § 90 and knowingly placing another person in imminent danger of death or serious injury (2 <sup>nd</sup> and subsequent offenses)	Up to five years Up to \$250,000
95	29-353	Illegally possessing unlabeled explosives	Up to five years Up to \$10,000
96	31-15a	Employer, parent, or guardian violations: illegal hours of labor for certain employees at manufacturing, mechanical, or mercantile work or employing minors at night  Employer: permitting illegal employment of minor; illegal hours of labor-other establishments; certain employers-failing to post hours of employment of minors, elderly, and people with handicaps; illegally employing a minor in certain work; or illegally employing a minor in hazardous work	Up to five years \$2,000 to \$5,000
97	31-69(b)	Minimum wage violation-unpaid wages over \$2,000	Up to five years \$4,000 to \$10,000
98	31-71g	Violating wage payment	Up to five years

		requirements over \$2,000	\$2,000 to \$5,000
99	36b-51(a)	Violating the Tender Offer Act	Up to five years Up to \$5,000
100	38a-140(c)(2)	False statement-holding company officer	Up to five years Up to \$50,000
101	40-51	Illegally issuing a warehouse receipt	Up to five years Up to \$5,000
102	40-53	Illegally duplicating a warehouse receipt	Up to five years Up to \$5,000
103	41-47	Fraudulently issuing a bill of lading	Up to five years Up to \$5,000
104	41-49	Illegally issuing a duplicate bill of lading	Up to five years Up to \$5,000
105	41-51	Illegally transferring a bill of lading	Up to five years Up to \$5,000
106	41-52	Illegally soliciting a bill of lading	Up to five years Up to \$5,000
107	41-53	Issuing an improper nonnegotiable bill of lading	Up to five years Up to \$5,000
108	42-232(d)	Intentionally or repeatedly violating a supply emergency order	Up to five years Up to \$5,000
111	53-20(a)(1)	Intentional cruelty to persons	Up to five years Up to \$5,000
111	53-20(b)(1)	Intentional cruelty to a child under age 19	Up to five years Up to \$5,000
114	53-247(a)	Animal cruelty (2 <sup>nd</sup> and subsequent offenses)	Up to five years Up to \$5,000
114	53-247(b)	Maliciously wounding or killing an animal	Up to five years Up to \$5,000
114	53-247(c)	Using an animal for fighting	Up to five years Up to \$5,000

114	53-247(d)	Injuring a peace officer animal or volunteer canine search animal	Up to five years Up to \$5,000
118	53-347a(a)	Forging a stamp or label	Up to five years Up to \$250,000
118	53-347a(b)	Affixing a fraudulent marking	Up to five years Up to \$250,000
118	53-347a(c)	Using a counterfeit marking	Up to five years Up to \$250,000

\*PA 13-180, § 10, as of June 18, 2013, makes these violations punishable by only a fine of up to \$25,000 or a higher fine otherwise provided by law.

## CLASS C FELONIES

The act classifies the following six crimes as class C felonies. In doing so, it keeps the same maximum prison penalty for these crimes but adds a one year minimum sentence, which is not a mandatory minimum sentence. Regarding fines, the act does not change the fine for one of these crimes, which matches the default \$10,000 maximum fine for a class C felony; increases the fine for one crime to the \$10,000 maximum fine for a class C felony; and retains the higher fines previously set in law for four of these crimes. Table 7 displays these crimes.

Table 7: Unclassified Felonies Classified as C Felonies

<i>Act</i> §	<i>Statute</i> §	<i>Description</i>	<i>Prior Penalty</i> (prison term, fine, or both)
13	21a-255(b)	Certain controlled substance violations including failing to keep drug records with intent to violate the drug laws and various other controlled substance violations without other specified penalties such as making controlled substances without a license and violating labeling requirements (2 <sup>nd</sup> and subsequent offenses)	Up to 10 years Up to \$10,000
88	21a-279(b)	Possessing a hallucinogen or more than 4 oz. of marijuana (2 <sup>nd</sup> and subsequent	Up to 10 years Up to \$5,000

		offenses)*	
89	22a-131a(b)	Violating hazardous waste permit/regulations (2 <sup>nd</sup> and subsequent offenses)	Up to 10 years  Up to \$100,000 per day
121	22a-438(c)	Knowingly violating water pollution control requirements and various other environmental statutes and regulations (2 <sup>nd</sup> and subsequent offenses)	Up to 10 years  Up to \$100,000 per day
121	22a-438(e)	Illegally discharging gasoline (2 <sup>nd</sup> and subsequent offenses)	Up to 10 years  Up to \$100,000 per day
122	22a-628(b)	Violating mercury requirements (2 <sup>nd</sup> and subsequent offenses)	Up to 10 years  Up to \$50,000 per day

\*The law authorizes an alternative indeterminate sentence for this crime which is unchanged by the act.

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